

Judicial Council of the District of Columbia Circuit
Complaint of Judicial Misconduct
E. Barrett Prettyman US Courthouse
333 Constitution Avenue NW
Washington, DC 20001-2866



Name of Judge complained about:
Brett Kavanaugh, DC Court of Appeals

This complaint does not concern the behavior of the judge in a particular lawsuit or lawsuits.

I have not filed any lawsuits against the judge.

Brief Statement of Facts

1. This complaint concerns the conduct of Judge Kavanaugh on September 27, 2018, before the Senate Judiciary Committee.
2. In filing this complaint, I reference the following canons from the Code of Conduct for United States Judges:
 - a. Canon 1: A judge should uphold the integrity and independence of the judiciary. An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved....
 - b. Canon 2: A judge should avoid impropriety and the appearance of impropriety in all activities. (A) Respect for law. A judge should respect and comply with the law and should act at all times in a manner that promotes confidence in the integrity and impartiality of the judiciary.
 - c. Canon 5: A judge should refrain from political activity. (A) A judge should not (2) make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office.
3. The following is **not** a fact. It is what Judge Kavanaugh should have said before the Senate Judiciary Committee in his appearance after the testimony of Professor Christine Blasey Ford that he had sexually assaulted her when they were in high school. What Judge Kavanaugh should have said is this: The Supreme Court of the United States is a


most cherished American institution, a third co-equal branch of our government, our arbiter of the Constitution, our last resort of justice. Every citizen must have cause to see the Court as fair and impartial, as the symbol, embodiment, and deliverer of the rule of law. For the Court's sake, every justice must be seen as a representative and practitioner of these values. I therefore ask this Senate for a thorough, non-partisan, professional investigation of my background by the FBI before it moves forward with a vote on my confirmation. I do not want my confirmation to cast a shadow on the Court. I revere the Court too much for that.

4. Instead, Judge Kavanaugh did pretty much the opposite.
5. During the hearing, Judge Kavanaugh:
 - a. Questioned the motives of United States Senators, saying, "You have replaced advice and consent with search and destroy."
 - b. Rather than address the facts, politicized the proceedings with ugly, conspiracy-theory rhetoric, saying, "there's been a frenzy on the left to come up with something, anything, to block my nomination"; called out Democrats specifically, saying "you sowed the seeds for decades to come. I fear the whole country will reap the whirlwind"; "the behavior of several of the Democratic members of this committee at my hearing a few weeks ago was an embarrassment"; "some of you were lying in wait and had it ready"; "This whole two-week effort has been a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election. Fear that has been unfairly stoked about my judicial record. Revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups."
 - c. Attacked the free press, saying, "and then...came a long series of false last-minute smears designed to scar me...crazy stuff...all nonsense, reported breathlessly by the media."
 - d. Issued veiled threats, saying, "As we all know, in the United States political system of the early 2000's, what goes around comes around."
6. During the hearing, Judge Kavanaugh:
 - a. With anger and hostility interrupted senators as they questioned him.
 - b. Sounded unhinged as he talked about drinking beer.
 - c. Accused, without cause, Senator Leahy of "mak[ing] fun of some guy who has an addiction."
 - d. Accused, without cause, Senator Leahy of mocking him.

- e. Stonewalled Senator Whitehouse on the question of his drinking to the point of vomiting while in high school by refusing to answer his questions and claiming, irrelevantly, "I was at the top of my class academically."
 - f. Disrespected Senator Klobuchar, who asked him, relevantly, whether he ever drank to the point of blacking out, by asking her, irrelevantly, if she ever had.
7. Throughout his appearance before the Senate Judiciary Committee, Judge Kavanaugh's demeanor was belligerent, evasive, pugnacious, rude, and unbecoming a judge. He did not personally observe high standards of conduct.
 8. Judge Kavanaugh did not demonstrate respect for law. His claims that cursory, conclusory, self-serving, unexamined written statements by Mark Judge and others were sufficient for purposes of exploring his fitness for the Supreme Court is but one example of this.
 9. Rather than rationally, methodically address the issues at hand, as one would want and expect of a judge, Judge Kavanaugh engaged in political activity by angrily blaming "Democrats" and "the left" for what he is calling his "hell."
 10. Any citizen who is a registered Democrat, whose political beliefs fall into categories that Judge Kavanaugh would deem "left," or who is a member of the press, would have cause to feel that he or she would not get a fair hearing in his courtroom.

It is my hope that the Judicial Council will take appropriate disciplinary action against Judge Kavanaugh for these violations of the Code of Conduct for United States Judges.

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

 Sept. 29, 2018